



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,825	11/30/2001	Michael B. Sundel	002250-2	2660

22204 7590 02/04/2003

NIXON PEABODY, LLP
8180 GREENSBORO DRIVE
SUITE 800
MCLEAN, VA 22102

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application <u>09/926 825</u>	Applicant(s) <u>Sundel</u>	
	Examiner <u>Alars, G</u>	Art Unit <u>3624</u>	Confirmation No. <u>A</u>

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 11/30/01
- ☐ This action is FINAL. ☒ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-21 is/are pending in this application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-21 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Paper # 4

Art Unit: 3624

DETAILED ACTION

1. Claims 1-21 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 USC 103(a) as unpatentable over Green(US Pat. No: 5,664,110) in view of Blinn(US Pat. No:5,897,622).
4. As per claims 1-21 Green teaches a remote ordering system for shipping a product from a remotely located distribution center(Fig 1/10-14) which also comprises data for the package data(col 2 lines 51-55) including shipper and shipping information(col 13 lines 9-19).Green teaches a method for using a computer apparatus located at an order center for shipping a product from a remotely located distribution center(Figure 1/10-14)including the steps of producing output electrical signals representing a packing list for an order of a product by causing an order center apparatus located at an order center to change input digital electrical signals into the output digital electrical signals(Figure 1/10)(col 2 lines 51-55), the order center apparatus including a computer having a processor(Figure 1/12)(col 2 lines 55-57), the processor electrically connected to a memory device for storing and retrieving machine-readable signals in

Art Unit: 3624

the memory device,(Figure 1/14)(col 2 lines 57-62) to an input device for receiving input data and converting the input data into the input electrical signals, and to an output device for receiving the output electrical signals, and wherein the processor is controlled by a computer program to implement the step of producing and assigning shipping information signals to the order with a digital electrical computer shipping apparatus, linking, by digital communication(col 3 lines 27-29)(Figure 10/130), the signals representing the packing list with the shipping information signals; transmitting the signals representing the packing list to, and receiving the signals representing the packing list at a printer device at a distribution center located remotely from the order center(col 13 lines 9-19)(Fig 10/134) printing the packing list at the printer device at the distribution center and shipping the product specified by the packing list, in accordance with the shipping information signals, from the distribution center.Blinn teaches providing order tracking and delivery information over the Internet for waybill shipping in accordance with the order(Fig 1/104/100)(Fig 2/124/122/123/125/129/130/131/132)(Fig 8)(Fig 10/129/125/122)(Fig 14)(col 3 line 46-col 4 line 26)(col 8 lines 1-7)(col 12 lines 8-56)(Fig 12)(col 17 line 18-41).Blinn further teaches tax processing including refunds(Fig 2/132). It would have been obvious to one skilled in the art at the time of the invention to combine Green in view of Blinn to teach the above. The motivation for this is to describe an on line ordering and delivery system for customer orders.

Art Unit: 3624


Conclusion

5. **THIS ACTION IS MADE NON-FINAL.**

6. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA


January 31, 2003